

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BRUCE MCGRONE,

Plaintiff,

vs.

DEPARTMENT OF CORRECTIONS
STATE OF NEBRASKA, (WARDEN)
STATE OF NEBRASKA
DIAGNOSTIC EVALUATION
CENTER (FACILITY), SORENSON,
C.O. Corporal (Employed at Nebraska
Diagnostic & Evaluation Facility); and
THE STATE OF NEBRASKA,

Defendants.

8:17CV222

MEMORANDUM AND ORDER

This matter is before the court on Plaintiff's Motion for Leave to Appeal in Forma Pauperis ([Filing No. 20](#)). Plaintiff filed a Notice of Appeal ([Filing No. 19](#)) on November 9, 2017. Plaintiff appeals from the court's Memorandum and Order dated October 23, 2017 ([Filing No. 16](#)), in which the court dismissed this matter without prejudice.

As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(3\)](#):

(a) Leave to Proceed in Forma Pauperis . . .

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless:

(A) the district court--before or after the notice of appeal is filed--certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding

The court finds that because Plaintiff proceeded IFP in the district court, he may now proceed on appeal in forma pauperis without further authorization.¹

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Leave to Appeal in Forma Pauperis ([Filing No. 20](#)) is granted.
2. The Clerk of Court shall provide the Eighth Circuit Court of Appeals with a copy of this order.

Dated this 27th day of November, 2017.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge

¹ Plaintiff notified the court of a change of address on November 22, 2017. ([Filing No. 22](#).) The notice indicates Plaintiff is no longer incarcerated. Accordingly, the court is not required to calculate any initial partial appellate filing fee pursuant to 28 U.S.C. § 1915(b)(1).